

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

KANAUTICA ZAYRE-BROWN,

Plaintiff,

v.

No. 3:22-cv-00191-MOC-DCK

THE NORTH CAROLINA
DEPARTMENT OF ADULT
CORRECTION, *et al.*,

Defendants.

**PLAINTIFF'S DAUBERT MOTION TO EXCLUDE
THE TESTIMONY OF DR. JOSEPH V. PENN**

Pursuant to Local Civil Rule 7.1, Federal Rule of Civil Procedure 7(b), Federal Rules of Evidence 702 and 703, and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), Plaintiff Kanautica Zayre-Brown hereby moves this Court to exclude the report and testimony of Defendants' expert Dr. Joseph V. Penn (Doc. 65-13) filed in support of Defendants' opposition to Plaintiff's motion for partial summary judgment. For the reasons stated in Plaintiff's brief filed in support of this motion, Dr. Penn is not qualified to opine on the matters at issue, and his opinions lack a reliable basis and are ultimately irrelevant to the Court's consideration.

Respectfully submitted this 26th day of October 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2023, I electronically filed the foregoing Plaintiff's *Daubert* Motion to Exclude the Testimony of Dr. Joseph V. Penn using the ECF system which will send notification of such filing to all counsel of record.

/s/ Jaclyn A. Maffetore

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